

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TRACYE BENARD WASHINGTON,
Plaintiff,

v.

J. SERRATO, et al.,
Defendants.

Case No. 22-cv-05832 BLF (PR)

**ORDER DENYING MOTION TO
COMPEL AS MOOT; DIRECTING
DEFENDANTS TO FILE REPLY**

(Docket No. 31)

Plaintiff, a California inmate, filed the instant *pro se* civil rights action pursuant to 42 U.S.C. § 1983 against prison staff at Salinas Valley State Prison (“SVSP”), where he was formerly housed. On May 3, 2023, the Court found the complaint stated cognizable claims of excessive force and conspiracy to commit an assault, and ordered the matter served on Defendants. Dkt. No. 9. On January 29, 2024, Defendants E. Guijarro, B. Akins, A. Serrato, and C. Diaz filed a motion for summary judgment on the merits as well on the grounds that Plaintiff failed to exhaust administrative remedies for claims against Defendant Guijarro, and they are entitled to qualified immunity. Dkt. No. 21.

On May 13, 2024, the Court ordered Defendants to file a response to Plaintiff’s motion to compel discovery (Dkt. No. 31). Dkt. No. 38. Defendants filed opposition, and Plaintiff filed a reply. Dkt. Nos. 41, 42. Because it appears that Plaintiff received the

1 disputed discovery, and he concedes that he “does not believe the remaining records will
2 be... needed,” Dkt. No. 42 at 2, the motion to compel is **DENIED** as moot.

3 Plaintiff filed additional opposition papers to Defendants’ summary judgment
4 motion on May 16 and 17, 2024, and then supplemental material on June 10, 2024. Dkt.
5 Nos. 39, 40, 43. Defendants are granted an extension of time to file a reply brief **no later**
6 **than fourteen (14) days** from the date this order is filed.

7 In light of Plaintiff’s numerous filings in response to Defendants’ motion, no further
8 briefing shall be allowed after Defendants’ reply is filed.

9 This order terminates Docket No. 31.

10 **IT IS SO ORDERED.**

11 **Dated: __July 3, 2024__**


BETH LABSON FREEMAN
United States District Judge

United States District Court
Northern District of California